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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,512	06/27/2002	Yoshihiro Ishita	02137/LH	7163
1933	7590	08/12/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			BARAN, MARY C	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2857	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,512

Applicant(s)

ISHITA ET AL.

Examiner

Mary Kate B Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The action is responsive to the Amendment filed on 02 June 2004. Claims 1-9 and 12 are pending. Claims 1-8 and 12 have been amended. Claims 10 and 11 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear from claim language what is meant by the phrase "measuring object", and whether this object is used specifically for measuring another device or if this phrase pertains to the object to be measured.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel (U.S. Patent No. 5,790,977) in view of Sprenger et al. (U.S. Patent No. 5,861,882) (hereinafter Sprenger).

Referring to claims 1 and 12, Ezekiel teaches an interactive demonstration system for a measuring instrument using a network (see Ezekiel, column 2 lines 57-62), comprising: in response to a request for providing demonstration information on a predetermined measuring instrument from a user terminal and a request for making operation, delivering to the user terminal via a network an operational program that contains demonstration information for enabling dynamic and interactive operation of the measuring instrument (see Ezekiel, column 2 lines 45-65); causing the user terminal to deliver to a predetermined measuring instrument terminal via the network an operational command that contains demonstration information operated and inputted at the user terminal in order to operate the measuring instrument dynamically and interactively based on the delivered operational program (see Ezekiel, column 3 lines 1-19); causing the measuring instrument terminal to control the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command that contains demonstration information from the user terminal in order dynamically and interactively operate the measuring instrument and to deliver a measurement result obtained by the measuring instrument to the user terminal via the network (see Ezekiel, column 2 lines 57-65); and causing the user terminal to output the measurement result delivered from the measuring instrument terminal via the network (see Ezekiel, column 4 lines 52-58).

Ezekiel does not teach a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured.

Sprenger teaches a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured (see Sprenger, column 4 lines 10-18 and column 5 lines 1-13).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ezekiel to include the teachings of Sprenger because switch-connecting the measurement instruments and test device would have allowed the skilled artisan to either serially or directly connect the devices and allows the connection to be controlled electronically (see Sprenger, column 4 lines 39-49).

Referring to claims 2 and 3, Ezekiel teaches an interactive demonstration system for a measuring instrument using a network (see Ezekiel, column 2 lines 57-62), comprising: a measuring instrument providing server (see Ezekiel, column 3 lines 11-14); a user terminal (see Ezekiel, column 3 lines 11-14); and a measuring instrument terminal, each of which is connected to a network (see Ezekiel, column 3 lines 10-11).

The measuring instrument information providing server has: storage means for storing an operational program (see Ezekiel, Figure 1 "storage 30") that contains demonstration information for enabling dynamic and interactive operation of an operational screen representative of an operating portion for operating a predetermined measuring instrument connected to the measuring instrument terminal and a data

display area and the predetermined measuring instrument (see Ezekiel, column 2 lines 45-65); and program delivery means for reading out from the storage means the operational program for the predetermined measuring instrument (see Ezekiel, column 3 lines 14-17) in response to a request for providing demonstration information on the predetermined measuring instrument from the user terminal, and delivering the program to the user terminal via the network (see Ezekiel, column 2 lines 45-65).

The user terminal has: terminal screen and a terminal operating portion (see Ezekiel, column 4 lines 52-58 and Figure 3); operation execution request delivery means for delivering via the network a request for providing demonstration information to the predetermined measuring instrument to the measuring instrument information providing server and a request for making operation (see Ezekiel, column 2 lines 57-65); program execution means for executing the operational program (see Ezekiel, column 3 lines 1-3) that contains demonstration information for enabling dynamic and interactive operation of the measuring instrument delivered from the measuring instrument information providing server (see Ezekiel, column 2 lines 45-65), thereby making it possible visualize the measuring instrument on the terminal screen and to operate the instrument at the terminal operating portion (see Ezekiel, column 4 lines 43-51); means for delivering the operational command operated and inputted at the terminal operating portion to the measuring instrument terminal via the network, thereby causing desired measurement by the predetermined measuring instrument connected to the measuring instrument terminal (see Ezekiel, column 3 lines 1-19); and means for outputting a measurement result received from the measuring instrument terminal a

data display area of the measuring instrument information providing server via the network (see Ezekiel, column 4 lines 52-58), and the measuring instrument terminal has means for controlling the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command from the user terminal and for delivering the measurement result obtained by the predetermined measuring instrument to the user terminal via the network (see Ezekiel, column 4 lines 43-51).

Ezekiel does not teach a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured.

Sprenger teaches a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured (see Sprenger, column 10 line 66 – column 11 line 3).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ezekiel to include the teachings of Sprenger because switch-connecting the measurement instruments and test device would have allowed the skilled artisan to either serially or directly connect the devices and allows the connection to be controlled electronically (see Sprenger, column 4 lines 39-49).

Referring to claim 4, Ezekiel teaches that the measuring instrument information providing server has plural types of information on measuring instruments stored and when an operation execution request is inputted from the user terminal while any

measuring instrument monitoring information on the measuring instrument can be selected specifies a specific measuring instrument by providing access from the user terminal (see Ezekiel, column 4 lines 43-58 and Figure 2), the measuring instrument information providing server delivers to the user terminal an operational screen and an operational program that correspond to the measuring instrument, and instructs the user terminal to be connected to the measuring instrument terminal to which the measuring instrument has been connected (see Ezekiel, column 4 lines 52-58 and Figure 3).

Referring to claim 5, Ezekiel teaches the measuring instrument information providing server has plural types of information on measuring instruments stored and when an operation execution request inputted from the user terminal while any measuring instrument monitoring information on the measuring instrument can be selected specifies a specific measuring instrument by providing access from the user terminal, the measuring instrument formation providing server delivers to the user terminal an operational screen and an operational program that corresponds to the measuring instrument, and instructs the user terminal to be connected to the measuring instrument terminal to which the measuring instrument has been connected (see Ezekiel, column 4 lines 43-58).

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel (U.S. Patent No. 5,790,977) in view of Sprenger et al. (U.S. Patent No.

5,861,882) (hereinafter Sprenger) and further in view of Fitzgerald (U.S. Patent No. 6,434,533).

Referring to claims 6 and 7, Ezekiel and Sprenger teach all the features of the claimed invention except that the measuring instrument information providing server includes a customer database regarding a user who gains access to the measurement instrument information providing server, and when an access from a terminal of the user occurs, the measuring instrument information server identifies the user from database and specifies a measuring instrument specified by an operation execution request from the terminal of the user.

Fitzgerald teaches that the measuring instrument information providing server includes a customer database regarding a user who gains access to the measurement instrument information providing server, and when an access from a terminal of the user occurs, the measuring instrument information server identifies the user from database and specifies a measuring instrument specified by an operation execution request from the terminal of the user (see Fitzgerald, column 6 line 64 – column 7 line 14).

It would have been obvious at the time the invention was made to one of ordinary skill in the art because having a user database would have allowed the skilled artisan to provide access only to authorized users (see Fitzgerald, column 7 lines 3-10).

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel (U.S. Patent No. 5,790,977) and Sprenger et al. (U.S. Patent No. 5,861,882)

(hereinafter Sprenger) in view of Westrope et al. (U.S. Patent No. 5,968,110)
(hereinafter Westrope).

Referring to claim 8, Ezekiel teaches all the features of the claimed invention except a device or parts manufacturer server, wherein device parts manufacturer server specifies a measuring instrument connected to the measuring instrument terminal for the measuring instrument information providing server according to a test request for a device for sale inputted from the user terminal, thereby instructing the user terminal to be connected to the measuring instrument information providing server.

Westrope teaches and a device or parts manufacturer server, wherein device parts manufacturer server specifies a measuring instrument connected to the measuring instrument terminal for the measuring instrument information providing server according to a test request for a device for sale inputted from the user terminal (see Westrope, column 4 lines 38-48), thereby instructing the user terminal to be connected to the measuring instrument information providing server (see Westrope, column 3 lines 39-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ezekiel to include the teachings of Westrope because allowing the user to view a demonstration of the instrument before purchase would have allowed the skilled artisan to select an view individual instrument information for purchasing (see Westrope, column 1 line 62 – column 2 line 4).

Referring to claim 9, Ezekiel teaches all the features of the claimed invention except that the device or parts manufacturer server delivers charge payment information on the measuring instruments to the measuring information providing server.

Westrope teaches that the device or parts manufacturer server delivers charge payment information on the measuring instruments to the measuring information providing server (see Westrope, column 3 line 63 – column 4 line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ezekiel to include the teachings of Westrope because allowing the user to view instrument pricing information before purchase would have allowed the skilled artisan to facilitate the automated purchasing process (see Westrope, column 1 line 62 – column 2 line 4).

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Ezekiel does not teach a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured. However, Sprenger teaches a desired measuring object to be switch-connected to the measurement instrument, and properties of the desired measuring object to be measured (see Sprenger, column 10 line 66 – column 11 line 3). It would have been obvious at the time the invention was made to one or

ordinary skill in the art to modify Ezekiel to include the teachings of Sprenger because switch-connecting the measurement instruments and test device would have allowed the skilled artisan to either serially or directly connect the devices and allows the connection to controlled electronically (see Sprenger, column 4 lines 39-49).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B Baran whose telephone number is (571)

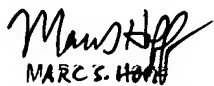
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272-2211. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

28 July 2004


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800